

ARGUMENTS/REMARKS

The office action of July 24, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-41 have been canceled without prejudice or disclaimer. New claims 42-53 have been added and are currently pending.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 7, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelber in view of Domingo. In so far as this rejection applies to new claims 42-53, it is respectfully traversed.

Gelber is directed to a medicinal composition which may be a solid composition such as a tablet or caplet, a liquid composition for oral delivery, or a nasal spray. Gelber does not teach or suggest a nasal irrigation solution.

As discussed in the present specification, a nasal irrigation solution is flowed through the nasal cavities such as by feeding the solution into a first nostril and discharging through a second nostril. Gelber, column 12, lines 12-21, describes that a nasal spray is administered topically onto nasal mucosa. See also examples 14-15. As discussed on page 6, lines 20-23, sprays, inhalants and the like do not provide optimal exposure of the active ingredients to the nasal tissue.

As claimed in claim instant 42, a nasal irrigation solution comprises water; soluble zinc acetate; alkaloids extracted from the goldenseal plant; and an extract of grapefruit seed in a concentration of about 0.0001 ml to about 0.002 ml per ml of solution. As claimed in instant claim 48, a nasal irrigation solution comprises a mixture of water with soluble zinc acetate in the range of about 2 to 12 g/l, said zinc acetate being dissolved into the water to provide an aqueous zinc solution for administering as a nasal irrigation medium; one or more preservatives comprising compounds extracted from grapefruit seed; and alkaloids extracted from goldenseal plant.

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Gelber does not teach or suggest the combination of zinc acetate, alkaloids extracted from the goldenseal plant and an extract of grapefruit seed in an irrigation solution as claimed in claims 42 and 48. Instead, Examples 14 and 15, the only examples directed to a nasal spray requires *Echinacea purpurea*, elderberry, zinc gluconate, sodium ascorbate and grapefruit seed extract with or without 1% phenyl hydrochloride.

Moreover, there is no reason one skilled in the art would have modified the nasal spray of Gelber to arrive at the claimed nasal irrigation system absent the hindsight afforded by the instant claims. Gelber is simply not directed to a nasal irrigation system. Gelber does not teach or suggest the nasal irrigation solution of claims 42 and 48 or claims dependent thereon.

Domingo is cited only to show that zinc acetate dehydrate is a known soluble zinc. Domingo does not teach or suggest the use of soluble zinc in nasal irrigation solutions nor the combination of soluble zinc acetate; alkaloids extracted from goldenseal plant; and an extract of grapefruit seed as claimed. Thus, Domingo does not remedy the defects of Gelber.

Withdrawal of this rejection is requested.

CONCLUSION

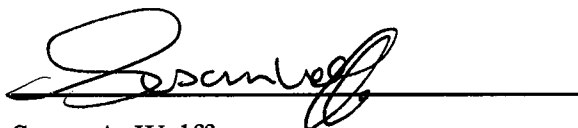
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Please charge any additional fees or credit any overpayment of fees to Deposit Account No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: November 21, 2007

By:



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